

### **REMARKS**

In the above-mentioned Office Action, all of the pending claims, claims 1-21, were rejected. Claims 1-13 and 20 were rejected under Section 102(e) over *Ghosh*. Claims 14-19 and 21 were rejected under Section 103(a) over the combination of *Ghosh* and *Tiedemann*. Objection was further made to informalities recited in claims 1, 13, 14, and 21. Additional objections were made to Figures 1 and 3 of the drawings and to informalities on many of the pages of the specification.

Amendments to the specification correct various informalities, including the informalities noted by the Examiner. Enclosed herewith, under separate title, is a request to make drawing changes to overcome the objections to the drawings made by the Examiner.

Responsive to the rejection of the claims, independent claims 1 and 20 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over *Ghosh* and *Tiedemann*, alone, or in combination.

The rejection of claims 1 and 20 over *Ghosh* is respectfully traversed. In particular, traverse is made to the Examiner's reliance on *Ghosh* on disclosing the storage device that stores the matrix in which each element is of an exemplary threshold value. Traverse is further made of the Examiner's reliance on *Ghosh* for showing a comparator that compares the exemplary threshold values with a traffic-channel threshold value. And, traverse is additionally made on the Examiner's reliance on *Ghosh* for showing a selector that selects a resource allocation defined in terms of communication indicia associated with an exemplary threshold value of the matrix.

The Examiner states that the storage device is anticipated by *Ghosh*'s table shown in Figure 1 of the reference containing MCS 111 indicia, and code rate 110 indicia.

While the Applicant acknowledges that column 3, line 40 of *Ghosh* discloses a plurality of modulation coding schemes 111 and that column 3, line 34 discloses a plurality of turbo encoding rates 110, there is no disclosure of a matrix having exemplary threshold values as disclosed by, and recited in claim 1 of, the present application. In other words, and with respect to Figure 2 of the present invention, *Ghosh* fails to disclose threshold values 68. And, *Ghosh* fails to disclose a comparator that compares threshold values 68 with a traffic channel threshold value, or a selector that makes a selection responsive to comparisons made by such a comparator.

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Independent method claim 20 is analogously analyzed.

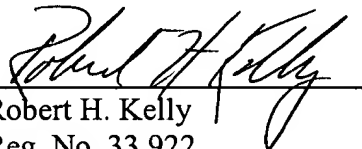
*Tiedemann*, relied upon merely for showing a scheduler, also fails to disclose such structure or method.

Accordingly, claims 1 and 20, are believed to be patentably distinguishable over *Ghosh* or *Ghosh* in combination with *Tiedemann*. Because the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be distinguishable over the prior art for the same reasons as those given with respect to their parent claims.

In light of the foregoing, therefore, reexamination and reconsideration for allowance of claims 1 and 20, and the dependent claims dependent thereon, is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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